



## Legislation Details (With Text)

<b>File #:</b>	37235	<b>Version:</b>	1	<b>Name:</b>	Discontinuing/Vacating of a portion of an unnamed alley, from the existing southwesterly right-of-way of Nakoma Road extending southwesterly 125 feet to the current point of termination, being part of plat of Blocks 1 to 11 Nakoma, located in the Northeast
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	2/10/2015	<b>In control:</b>			BOARD OF PUBLIC WORKS
<b>On agenda:</b>	4/21/2015	<b>Final action:</b>			5/5/2015
<b>Enactment date:</b>	5/7/2015	<b>Enactment #:</b>			RES-15-00283
<b>Title:</b>	Discontinuing/Vacating of a portion of an unnamed alley, from the existing southwesterly right-of-way of Nakoma Road extending southwesterly 125 feet to the current point of termination, being part of plat of Blocks 1 to 11 Nakoma, located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (10th AD)				
<b>Sponsors:</b>	Maurice S. Cheeks				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Public Way Vac 3610-3614 Nakoma Rd Description.pdf, 2. B000001 Petition to Discontinue.pdf, 3. Nakoma Alley Vacate Map Exhibit.pdf, 4. Nakoma Alley.pdf, 5. Hearing Notice_Nakoma Rd.pdf, 6. registered copy				

Date	Ver.	Action By	Action	Result
4/21/2015	1	COMMON COUNCIL		
4/21/2015	1	COMMON COUNCIL	Reconsider	Pass
4/21/2015	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
3/31/2015	1	COMMON COUNCIL	Adopt	Pass
3/23/2015	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
3/18/2015	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/24/2015	1	BOARD OF PUBLIC WORKS	Refer	
2/24/2015	1	COMMON COUNCIL	Referred	
2/10/2015	1	Engineering Division	Referred for Introduction	

### Fiscal Note

The vacation/discontinuance of approximately 1,000 sq. ft. of public public alley right-of-way southwesterly of Nakoma Road between 3610 and 3614 Nakoma Road for transfer to adjoining properties. No expenditure of City funds required.

### Title

Discontinuing/Vacating of a portion of an unnamed alley, from the existing southwesterly right-of-way of Nakoma Road extending southwesterly 125 feet to the current point of termination, being part of plat of Blocks 1 to 11 Nakoma, located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (10th AD)

## Body

**WHEREAS**, the adjacent property owners have provided a written petition to the City Engineer requesting the City of Madison to vacate/discontinue a portion of an unnamed public alley lying southwesterly of the southwest right-of-way line of Nakoma Road between the two properties located at 3610 Nakoma Road and 3614 Nakoma Road, the written request for vacation/discontinuance is attached hereto and made part of this resolution; and

**WHEREAS**, the portion of the unnamed alley to be vacated/discontinued was dedicated to the public as an 8 foot wide unnamed public alley right-of-way between Lot 1, Block 2 and Lot 1, Block 1, Plat of Blocks 1 to 11 Nakoma, recorded July 5, 1916, in Volume 5 of Plats, page 42 as Document No. 354655, Dane County Registry; and

**WHEREAS**, the lots to the west and south of the said unnamed public alley right-of-way to be vacated/discontinued were replatted by Replat "A" of Blocks 1, 2, 11 and Other Land, recorded July 1, 1926, in Volume 6 of Plats, page 4 as Document No. 463246, Dane County Registry; and

**WHEREAS**, there currently exists concrete stair and concrete sidewalk improvements that are exclusively used for private access to adjacent private properties, and those improvements have been previously and are currently maintained by the adjacent property owners; and

**WHEREAS**, the City of Madison has not in the past and currently does not maintain any portion of the improvements within the unnamed public alley right-of-way to be vacated/discontinued; and

**WHEREAS**, upon vacation/discontinuance, the adjacent property owners shall be fully responsible for the maintenance, repair and replacement of all of the existing improvements within the portion of the unnamed public alley to be vacated/discontinued; and

**WHEREAS**, the City of Madison has prepared the necessary map exhibit and legal description of the unnamed public alley to be vacated/discontinued, which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Engineering Division recommends approval of this street vacation.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby vacates and discontinues a portion of the unnamed public alley right-of-way as shown and described on attached map and legal description, in accordance with Wisconsin ss. 66.1003(2); and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the vacated/discontinued portion of the unnamed alley right-of-way will attach to the adjacent lands on each side of the vacated/discontinued alley; and

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), Wisconsin Statutes, the City Of Madison releases any easements and rights it may have within the unnamed public alley right-of-way as shown and described on attached map and legal description. This resulting in the ownership, maintenance, removal and/or replacement of all improvements within the portion of the unnamed public alley to be vacated/discontinued being vested in the owner(s) of the vacated/discontinued lands; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above by the City of Madison, any other existing easements and rights that may exist within the vacated street areas shall continue as part of this vacation/discontinuance; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution, the City Clerk shall validate this street vacation/discontinuance by recording it with the Dane County Register of Deeds, authorizing all City

agencies to administer the appropriate workflows to complete and finalize all land record database updates.